

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5494 of 1996

JANUBEN WD/O.HIRABHAI ISRAJ & OTHERS

Versus

COMPETENT AUTHORITY & DY. COLLECTOR U.L.C. JAMNAGAR

Appearance:

MR MC BHATT for Petitioners

MR SJ DAVE AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 16/08/1999

ORAL JUDGEMENT

1. This petition arises from orders passed under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976.

2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March, 1999.

3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.

4. It is so found and accordingly held, and the present petition is disposed off accordingly.

5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No. ULC/1099-602/V1 dated 15th April, 1999.

6. Rule is accordingly discharged with no order as to costs. Interim relief, if any, stands vacated.

7. It may be observed from the record of the present petition that the impugned order passed by the government

under section 34 of the Act of 1976 contemplated that the holders of the land should be given an option as to which lands they would prefer to hold and which lands they would prefer to surrender, and thereafter to take consequential proceedings.

8. The respondent-State has not filed any affidavit-in-reply. Learned counsel for the respondent is unable to point out, even on the basis of the parawise remarks available with him, that any further proceedings had been taken. Even otherwise, the interim relief granted in the present petition has been effective from 16th August, 1996. It would therefore appear on the basis of the present record that the petitioners are in possession of the property in question. It is clarified that these are mere observations on the basis of the record and are not to be regarded as findings of fact on any factual controversy between the parties.

(Y.B. BHATT, J.)

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